

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RHONDA MARIE FLEMMING,
Plaintiff,
v.
MARTIN O'MALLEY,
Commissioner of Social Security,¹
Defendant.

) CIVIL NO. 1:23-cv-01375-EPG
)
)
) STIPULATION TO VOLUNTARY
)
REMAND PURSUANT TO SENTENCE
)
FOUR OF 42 U.S.C. § 405(g) AND TO
)
ENTRY OF JUDGMENT; ORDER
)
(ECF No. 21)
)

IT IS STIPULATED by and between Plaintiff (“Plaintiff”) and Defendant Martin O’Malley, Commissioner of Social Security (“Defendant”), through their undersigned counsel of record, that the above-entitled action shall be remanded to the Commissioner of Social Security for further administrative proceedings.

On remand, the Commissioner will develop the record as necessary; reconsider all relevant issues; offer the claimant the opportunity for a new hearing; and issue a new decision. The parties further request that the Court direct the Clerk of the Court to enter a final judgment in favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

¹ Martin O’Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O’Malley should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 This stipulation constitutes a remand under the fourth sentence of Section 205(g) of the
2 Social Security Act, 42 U.S.C. 405(g).
3

4 Dated: April 26, 2024

*/s/ Jonathan O. Peña**
5 JONATHAN O. PEÑA
6 Attorney for Plaintiff
7 *Authorized via e-mail on April 26, 2024

8 PHILLIP A. TALBERT
9 United States Attorney
10 MATHEW W. PILE
11 Associate General Counsel
12 Office of Program Litigation, Office 7
13 Social Security Administration

14 By: */s/ Noah Schabacker*
15 NOAH SCHABACKER
16 Special Assistant United States Attorney
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18 Attorneys for Defendant
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ORDER

Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) and to Entry of Judgment (ECF No. 21), and for cause shown, IT IS ORDERED that the above-captioned action is remanded to the Commissioner of Social Security for further proceedings pursuant to the fourth sentence of Section 205(g) of the Social Security Act, 42 U.S.C. 405(g). The Clerk of the Court is respectfully directed to enter a judgment in favor of Plaintiff and against Defendant.

IT IS SO ORDERED.

Dated: **April 26, 2024**

/s/ Eric P. Groj
UNITED STATES MAGISTRATE JUDGE